

### **Remarks**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 9, 16, 19, 20, 28, 35-37, 45 and 52 have been amended. No claims have been cancelled. Therefore, claims 1-32, 35-42, 45-48 and 52 are presented for examination.

The reissue Oath/Declaration filed on January 19, 2005 with this RCE Reissue Application is defective because it incorrectly identifies at least one error, which is relied upon to support the reissue application. The Office Action asserts that the declaration filed with the present application is defective because it incorrectly identifies at least one error. See Office Action at page 3, paragraph 3. The Office Action further states that since claim 1 recites internal fins the oath is defective. Applicants submit that the submitted declaration is not defective.

The declaration filed on January 19, 2005 states “claim 1 as issued includes the excess limitation of the air duct having internal fins. Applicants believe the air duct does not need internal fins for patentability.” Applicants maintain that the statement is not incorrect. The above statement was included in the declaration to provide an example of the patentee applicants claiming less than the patentees had a right to claim. New claims were added to the application as a remedy to the limiting feature included in claim 1. Therefore, applicants submit that the declaration is not defective.

Claims 35 and 37-42 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants submit that this rejection is obviated by amendments to claims 35 and 37.

Claims 1-7, 9-14, 16-26, 28-32, 35-42, 45-48, 52, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitahara et al. (U.S. Patent No. 5,583,316). Applicants submit that the present claims are patentable over Kitahara.

Kitahara discloses an integral fan type heat-generating element cooling device wherein a fan unit is disposed at the side of an assembly of a heat-generating element and a heat sink connected by a cover prepared by a material with a good heat conductivity. One or more side plates of the fan unit are provided with openings. The openings are provided at the back side of the fan unit, that is, the side furthest from the heat sink. By allowing part of the air to escape, a rise in the air pressure at the back of the closed fan unit is avoided, pressure loss of the fan is reduced, and the load is lightened, resulting in making it possible for a sufficient amount of air to be secured. See Kitahara at Figures 72 and 73.

Kitahara also discloses another embodiment of the heat-generating element cooling device where the heat sink is affixed on a printed circuit board adjoining a heat-generating element. A heat pipe is laid between the heat sink and the heat-generating element. The heat pipe is affixed to the top surface of the heat sink and the other end is affixed to the heat-generating element. The heat pipe is formed in a flat fork-shape branching at the heat sink side so as to be directly struck by the cooling air from the fan unit and cool above a high heat emitting portion of the heat-generating element at the heat-generating element side. To house one end of the fork, the heat sink is formed with a space for fitting it where no pin-shaped cooling fins are provided. The heat-generating element side is mounted on the top surface of the heat-generating element sandwiched in between a base plate affixed using for example an adhesive with a good heat conductivity and a fixing plate screwed to the base plate (Figures 45 and 46).

Claim 1 of the present application recites a housing having a clamp wherein a condenser portion of a heat pipe is attached to the housing via the clamp. Applicant submits that Kitahara does not disclose or suggest attaching a heat pipe to a housing via a clamp. Kitahara discloses a heat pipe is laid between a heat sink and a heat-generating element that is formed in a flat fork-shape branch at the heat sink side. The heat sink is formed with a space for fitting the heat pipe. Consequently, claim 1 is patentable over Kitahara.

Claims 2-8 depend from claim 1 and include additional features. Thus, claims 2-8 are also patentable over Kitahara.

Independent claims 9, 16, 19, 20, 28, 35-37, 45 and 52 each include a feature related to a clamp attaching a heat pipe to a housing of an air duct. Thus, independent claims 9, 16, 19, 20, 28, 35-37, 45 and 52, and their respective dependent claims are also patentable over Kitahara.

Claims 8, 14 and 27 stand rejected under 5 U.S.C. §103(a) as being unpatentable over Kitahara et al. in view of Nelson (U.S. Patent No. 4,923,000). Applicants submit that the present claims are patentable over Kitahara even in view of Nelson.

Nelson discloses a fluid heat exchanger for cooling an electronic component including a housing having a fluid inlet and fluid outlet. Piezoelectric means are connected to a plurality of flexible blades for pumping fluid from the inlet to the outlet. A heat conductive structure is connected to the housing base for conducting heat to the fluid. The heat conductive structure may include the flexible blades and/or fixed metal fins. See Nelson at Abstract.

Nonetheless, Nelson does not disclose or suggest attaching a heat pipe to a housing via a clamp. As discussed above, Kitahara does not disclose or suggest attaching a heat pipe

to a housing via a clamp. Since neither Kitahara nor Nelson disclose or suggest attaching a heat pipe to a housing via a clamp, any combination of Kitahara and Nelson would also not disclose or suggest such a feature. Thus, the present claims are patentable over Kitahara in view of Nelson

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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